

## **MILFORD PLANNING BOARD MINUTES**

June 15, 2004, Board of Selectmen's Meeting Room, Town Hall, 6:30 PM

PRESENT: Steve Sareault, Chairman  
Paul Amato, Vice-Chairman (**absent**)  
Tom Sloan  
Walker Fitch (**absent**)  
Jim Dannis  
Dick D'Amato  
Noreen O'Connell, BOS Representative

Bill Parker, Director of Planning and Community Development (arrived 8:00 PM)  
Lincoln Daley, Staff Planner, Planning and Community Development  
Bobbi Schelberg, Recording Secretary

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### **Meeting Agenda**

1. Minutes – May 18, 2004 minutes to be distributed for approval at the June 22, 2004 work session (to be held at the Wadleigh Memorial Library Meeting Room)

### **OLD BUSINESS**

2. **Danielson Realty Trust & Hampshire Hills Racquet & Health Club – Emerson Road - Map 48, Lots 36,41,52.** Major Site Plan for the construction of an indoor track/soccer field building and two multi-purpose exterior field areas for soccer and baseball. (Tabled from 5/18/04).
3. **Vizas Reality LLC/George Sklavounos – 524 Nashua Street, Map 32, Lot 7.** Major Site Plan for the construction of a new restaurant. Tabled to the July 20, 2004 Meeting. (Tabled from 5/18/04).
4. **Falcon Ridge/River Road Trust – Maple St. & Whiting Hill Road – Map 3, Lots 4 & 5** – Tabled to the July 20, 2004 meeting. (Tabled from 5/18/04).
5. **Ledgewood Estates/T&R Development – Christine Drive – Map 43, Lot 23** – Amendment of an approved site plan to change attached elderly condos from four (4) four-unit condos and one (1) three-unit condo to fourteen detached elderly condos. Tabled to the July 20, 2004 meeting. (Tabled from 5/18/04).

### **NEW BUSINESS**

6. **Jeff Creteau – 123 Cortland Road – Map 3, Lot 19** – Public Hearing for a lot line adjustment.

7. **NH Antique Co-Op/Samuel J. Hackler Revocable Trust – 323 Elm St. – Map 8, Lot 7 –** Public Hearing for a Major Site Plan for an addition for retail space.
8. **Holly & Robert Bacon – Old Wilton Rd – Map 7, Lots 18 and 19.** Public Hearing for a lot line adjustment.
9. **Fletcher Granite Co, LLC – Armory & Access Roads – Map 47, Lot 16 –** Public Hearing for a Minor Subdivision to create a 6.404 acre lot.
10. **Eber Currier/Currier Self Storage – Rte 13 South – Map 48, Lot 14 –** Public Hearing for a Minor Site Plan to construct an 1100 SF addition to an existing building.
11. **St. Joseph Hospital of Nashua, NH – Nashua St – Map 31, Lot 32-1 –** Discussion for proposed 5,500 SF two-floor building with basement, associated parking and drainage.
12. **DeMontigny/The Belmont – 46 Amherst St – Map 26, Lot 13 –** Public Hearing for an amendment to an approved Site Plan to change Unit 11/12 from a two-unit building to a single unit and associated parking space changes.
13. **Other**
14. **Next meeting – June 22, 2004 –** Planning Board work session

**Note: An update on the Status of the Badger Hill Subdivision was added to the agenda by the Chairman, and was incorporated into the meeting at the beginning of Old Business.**

## **6:30 PM – Regular Meeting**

- 1. Minutes** – The May 18, 2004 minutes were distributed for approval at the June 22, 2004 work session (to be held at the Wadleigh Memorial Library meeting room.)

N. O’Connell motioned to table until June 22, 2004 meeting, seconded by J. Dannis and all in favor.

## **OLD BUSINESS**

- 2. Badger Hill Subdivision Update – *Under Old Business***

Harry Standel, Manager of the Milford Millbrook Development LLC provided an update on the Badger Hill Subdivision project. He explained to the Board that the current owner Mr. Sharkovsky will no longer be involved in the project and that the appropriate funds associated with the transaction on the development are to be wired from the bank tomorrow. In addition, he stated that Mr. Maynard, of Maynard and Paquette, has been installing the bounds and markers requested by the Planning Board.

Chairman Sareault asked H. Standel for a summary of the updates in writing and to submit the document to Kevin Lynch. S. Sareault then asked when the board would see H. Standel again and how long the work would take to complete. H. Standel replied that the work would be completed in six months and he will provide regular updates to B. Parker as the project progresses.

- 3. Danielson Realty Trust & Hampshire Hills Racquet & Health Club – Emerson Road –Map 48, Lots 36,41, 52.** Major Site Plan for the construction of an indoor track/soccer field building and one multi-purpose exterior field areas for soccer and baseball. (Tabled from 5/18/04).

Jay Heavisides, Meridian Land Services and engineer for the applicant, gave the Board an update on the project. Since the last meeting, he went before the Zoning Board on May 20<sup>th</sup> and received a special exception to have a recreation field within the Residential “R” zoning district. The plans before you have been modified to remove the previously proposed baseball and soccer field, other than that there are no changes. J. Heavisides did not receive the staff memo, however, he did get a brief summary from L. Daley.

J. Heavisides stated that the final elevation renderings have not been received from the architect. L. Daley inquired if the elevations presented at a previous meeting represent the anticipated final elevations. J. Heavisides responded yes, within a couple of feet.

Questions from the Board: Regarding the impact from the Hampshire Hills project regarding a possible light at the intersection of Nashua Street and Ponemah Hill Road, D. D’Amato asked why shouldn’t the new housing development on Federal Hill Road along with other development, bear their fair share of the costs. D. D’Amato stated that Hampshire Hills shouldn’t have to pay for all the costs.

L. Daley responded that the current discussion only involves Hampshire Hills. At some point in the near future when the Town determines if a light at the intersection of Nashua Street and Ponemah Hill Road is necessary, a public hearing will be held to discuss the appropriate allocation methodology.

T. Sloan raised concerns over the fire safety issues surrounding the current building and the memo submitted by Chief Pauley. He wanted to know if there is a plan to remedy the problems listed in the memo before the new construction begins. R. Holder replied that a protracted plan for bringing Hampshire Hills up to appropriate code is being developed. R. Holder went on to explain that developing a complete plan with a full site survey includes a code analysis report. Their chief inspector will identify any issues and work with the Fire Chief and Building Inspector to rectify the problems. They also are looking to install a new alarm system at Hampshire Hills that also provides coverage for the swimming pool.

The Planning Board asked Fire Chief Rich Pauley, who was in attendance, to provide an update on fire safety issues at Hampshire Hills. In 2000, the Milford Fire Department, Building Inspector and a representative from the State Fire Marshall's office, inspected the current Hampshire Hills facility. They identified a number of issues and they realized the issues were significant in terms of potential costs, but that did not negate the fact that the issues need to be resolved. At that time they asked Hampshire Hills to get a plan of action to resolve those issues, the two biggest issues being the fire alarm system, which he thinks they are really close on, and the sprinkler issue. Chief Pauley stated that the bottom line is that the sprinkler system protection is required by state code, even though the building was built over twenty years ago. Chief Pauley reaffirmed that Hampshire Hills needs to work toward the sprinkler system as quickly as possible, as over four years has gone by. Chief Pauley said his primary concern with this application is if you have an existing facility that is deficient and attaching a new facility to it affects both. R. Holder said that the two buildings will not be connected until Chief Pauley is happy with the fire protection. Chief Pauley said that the Board and the property owner need to understand that there will be a very limited use to the new building, the way it stands now, it can be used for recreation use, since that is basically low occupancy in regards to numbers and if he wanted to do something different with that, like a home show or something similar that is high occupancy, it would not be permitted until property emergency systems are installed. But for its intended use as a recreation facility low occupancy then it should be fine. S. Sareault asked Chief Pauley if he is getting the cooperation he needs. Chief Pauley said on the old building he would like to see more movement, but he understands there are costs involved but there hasn't seen a plan submitted yet. R. Holder said he is getting closer to a plan and the person working on it moved on so Bob Cummings has taken over (recommended by Chief Pauley) and said the report should be completed by July 9<sup>th</sup>.

N. O'Connell's questions concerned the status of the sprinkler systems. R. Holder explained that he had problems with the current alarm system and now it needs to be replaced with new technology. He went on to explain that Milford has not lived up to its promise to extend the water system up Ponemah Hill and Emerson Roads, but that a new development being worked on now, conceptually, will help them.

S. Sareault posed the question of what happens if the Town decides not to extend the water system to this area, and pointed out that providing sufficient safety measures should not be dependent on if or when the Town decides to extend the water system. Chief Pauley responded by stating that Hampshire Hills should not invest a great deal of money for a pump and tank system if there is a possibility that municipal water is going in there. His position has been to establish a plan and gradually phase it in over a period of years. Initially, this may entail utilizing a pump and a tank or the use the pools. Chief Pauley stated he is willing to be flexible.

R. Holder believes it will take two years to get the system up and running. He spent thousands of dollars on fire protection and just finished paying off on the system when Chief Pauley said they needed a new system. Chief Pauley said he would allow for a six-year window since it's so expensive and he doesn't have a problem with that.

S. Sareault asked for clarification from Chief Pauley that there would be no connection with the new building until the system is installed and is he comfortable with that? He feels that he needs a plan and to maintain the six-year agreement he has no problem just needs closure with this.

D. D'Amato asked how long Hampshire Hills has been there? R. Holder said over 30 years and D. D'Amato wanted to know why this is a problem now. It was noted that Chief Tortorelli had correspondence over the years with Hampshire Hills as well as Chief Pauley. R. Holder explained that he has been working with the fire department all through the years.

J. Dannis raised a question regarding the wastewater disposal plan? J. Heavisides explained that the initial design included creating an onsite leach field connected to the main building. The design also included the option of connecting to the town waste water system. J. Heavisides noted that the septic design has not yet been completed. J. Dannis then asked if the stand-alone onsite septic design would meet the state requirements? J. Heavisides replied yes. The septic hasn't been added yet, but will get done. J. Dannis then asked about the outside lighting. J. Heavisides said the lighting plan is in the last two sheets.

N. O'Connell wants to make sure it's on record regarding requirements for downcast lighting and signage. R. Holder said there will be one entrance sign and it will be lit with downcast lighting. S. Sareault asked if any lighting on field? R. Holder replied they light one field but not left on all night, and they have never had complaints about lighting. N. O'Connell requested that the lights do not remain on at all times. R. Holder said yes it's not on all the time.

The Chairman opened up the hearing for questions from the audience.

Mr. Jacobs, Federal Hill Road, wanted to let Board know that he lives one thousand feet from the field and had no idea there were lights there until it was brought up. He continued by explaining that the lights never bothered him. S. Sareault asked if he had a well concern. Mr. Jacobs said they dropped one of the phases and he has no concerns at the present time.

N. O'Connell asked if they would be removing any trees between the properties to Mr. Jacobs. Mr. Jacobs said that Hampshire Hills logged back a while ago. He continued by stating the issue of lighting was discussed with other abutters at a previous Zoning Board meeting and that no one had an issue with the lighting.

S. Sareault then asked about offsite improvements. J. Heavisides said per Steve Pernaw's letter review, Emerson Road had the capacity to handle the traffic. They are discussing the impact the traffic would have if a light went in on Ponemah Hill Road and will continue to work with S. Pernaw.

S. Sareault asked if the Board felt the application was ready to approve. J. Dannis motioned to discuss, seconded by N. O'Connell and all in favor. N. O'Connell stated she did not feel comfortable approving, that in the past Hampshire Hills acts first then asks for forgiveness later rather obtaining permits upfront. She stated if we approve this, we want them to work very closely with our Planning Department and for all of these things to be upfront.

T. Sloan then asked about pest control and pest management on the fields and drainage systems. J. Heavisides stated they had not studied this yet, and T. Sloan recommended natural remedies.

S. Sareault followed up asking if the Board feels comfortable making a motion with conditions. J. Dannis asked if there was anything else not included in the plans, indicating surprise that the septic system wasn't included, and why should approval be granted without a final set of plans? J. Dannis said he would approve this if it had the final set of plans. R. Holder said the septic was planned for. S. Sareault said that he felt that the conditions by the staff are manageable.

D. D'Amato then made a motion to approve with staff conditions, including providing to the plan set an elevation, septic plans, and field and outdoor lighting types. The motion was seconded by N. O'Connell, all in favor except for J. Dannis who voted no.

- 4. Vizas Reality LLC/George Sklavounos – 524 Nashua Street, Map 32, Lot 7.** Major Site Plan for the construction of a new restaurant. (Tabled from 5/18/04)

At the applicant's request, a motion to table the application to the July 20, 2004 meeting was made by J. Dannis, seconded by T. Sloan and all in favor.

- 5. Falcon Ridge/River Road Trust – Maple St. & Whiting Hill Rd. – Map 3, Lots 4 & 5 –** Tabled to the July 20, 2004 meeting (Tabled from 5/18/04)

At the applicant's request, a motion to table the application to the July 20, 2004 meeting was made by J. Dannis, seconded by T. Sloan and all in favor.

- 6. Ledgewood Estates/T&R Development – Christine Drive – Map 43, Lot 23 –** Amendment of an approved site plan to change attached elderly condos from

**Four (4) four-unit condos and one (1) three-unit condo to fourteen detached elderly condos. (Tabled from 5/18/04)**

L. Daley explained that the applicant's engineer had asked for this item to be discussed later in the meeting due to a scheduling conflict he had with another planning board meeting. Residents of Ledgewood explained that they had been waiting for awhile this evening for this item to be discussed and were annoyed that they had to wait longer. The Chairman asked the Board what it wished to do, and the Board acquiesced to the views of the abutters and T. Sloan motioned to table until July 20, 2004 meeting, N. O'Connell seconded, and all in favor.

**NEW BUSINESS**

**7. Jeff Creteau – 123 Cortland Road – Map 3, Lot 19 – Public Hearing for a lot line Adjustment.**

J. Dannis motioned that there was no potential regional impact, N. O'Connell seconded and all in favor. J. Dannis motioned to accept application, N. O'Connell seconded and all in favor. B. Schelberg read the abutters list.

The Chairman recognized Jeff Creteau, who explained he was seeking a lot line adjustment in order to provide his neighbor additional backyard area, shown as Parcel A on the plan.

S. Sareault asked applicant if there is any building being plan for that lot and J. Creteau answered it would just be for backyard.

S. Sareault opened up comments from the audience.

Robert Kirsch, 129 Cortland Road, asked to see how his property abutted Mr. Creteau's, and after being shown stated that there would be no impact.

There being no further discussion, J. Dannis moved to approve the lot line adjustment subject to staff recommendations. N. O'Connell seconded and all in favor.

**8. NH Antique Co-Op/Samuel J. Hackler Revocable Trust – 323 Elm St. – Map 8, Lot 7 – Public Hearing for a Major Site Plan for an addition for retail space.**

T. Sloan made a motion that there was no potential regional impact, J. Dannis seconded, and all in favor. D. D'Amato moved to accept the new application, J. Dannis seconded and all in favor. B. Schelberg read the abutters list.

Max Ferro, representing the applicant, explained to the Planning Board that the antique business is changing, with consumers wanting fewer knickknacks and more big items, and because big items are being purchased quickly they needed more space to conduct their business, thus the site plan application. Additionally, the owners stated they wanted to make the building more aesthetically pleasing with the new addition, which would be two-stories

with a stair tower. Ferro noted that safety concerns exist within the current building and are currently being addressed in order to comply with the Town's building codes. The plan is to create one large concourse area with side avenues that have both entrances and exits. There are not very many people in the building at one time, but they do not want anyone to "fry" if there is a fire.

S. Sareault asked if there were any questions from the Board. J. Dannis wanted to know how tall the tower is? M. Ferro answered that the tower is about thirty-seven feet. J. Dannis told M. Ferro that he should check height limitation with staff.

N. O'Connell asked about the lighting plans. M. Ferro said that right now they haven't drawn the lighting plans but the building is never open after five p.m. There will be light on the building itself, just in front, and the light will be soft and subdued. T. Sloan asked about the landscaping plan. M. Ferro answered that they do not intend fancy landscaping since they have already done landscaping in the past and there is nothing to add to it. T. Sloan said there are some landscape requirements and to see staff. S. Sareault asked if there are any site improvements, for example a driveway? M. Ferro answered that the driveway is staying where it is and is maintained. Everything will stay where it is. S. Sareault asked if a site walk was necessary and then asked if M. Ferro was aware of recommendation from staff regarding to the traffic and impact fees. M. Ferro said they are aware and have no problem with that. M. Ferro agreed to work with staff on water and sewer services, final landscaping, code enforcement, and lighting.

S. Sareault asked if any questions or comments from the audience. There were none.

T. Sloan motioned to approve with conditions that applicant work on the lighting, signage and landscaping plan, N. O'Connell seconded and all in favor.

**9. Holly & Robert Bacon – Old Wilton Road – Map 7, Lots 18 and 19.** Public hearing for a lot line adjustment.

J. Dannis moved that there was no potential regional impact, seconded by T. Sloan and all in favor. A motion to accept the application was made by D. D'Amato, J. Dannis seconded and all in favor. B. Schelberg read the abutters list.

Tom Benedict from Meridian Land Services explained that both lots are owned by the Bacons. They plan on selling one of the lots to the person who is currently renting the brick house. All parties agree that this will improve the geometry of lot 7-18.

There were no questions from the Board or from the audience. T. Sloan moved to approve the plan subject to staff recommendations. D. D'Amato seconded and all in favor.

**10. Fletcher Granite Co, LLC – Armory & Access Roads – Map 47, Lot 16 – Public Hearing for a Minor Subdivision to create a 6.404 acre lot.**

J. Dannis moved that there was no potential regional impact, T. Sloan seconded, and all in favor. D. D'Amato made a motion to accept the application, J. Dannis seconded and all in favor. B. Schelberg read the abutters list.

T. Benedict of Meridian Land Services said that the owner intended to create a new industrial lot with land that was not currently needed or used. T. Benedict stated there was a buyer for this new parcel, and went on to explain that a pond exists on the property with a fairly wide wetland ditch, running along the side of the property. Additionally, an access road runs through the parcel to the pond. The access to the new lot would be from the quarry access road off of Armory Road, and there would be a septic system for the lot.

J. Dannis asked if the quarry access road was a town road, and T. Benedict responded that it was a private road and could be utilized because industrial lots had no frontage requirement.

T. Sloan asked if the pond was used and T. Benedict responded that there is no interest in the pond that Fletcher Granite gave no indication that they wanted the pond, and in fact they would like to get rid of it. S. Sareault then opened the hearing for questions from the audience.

Sharon Krawiecki, 104 Armory Road, stated concerns with the additional traffic and pollution, noting that nobody follows the speed limit on the 25 mph road. The pond on their property abuts the property in question. S. Sareault said this is a subdivision and hard to react to some of her concerns because there is nothing being proposed to build right now, and issues will come out at the site plan stage. S. Krawiecki felt that before subdividing the land we should have an idea of what the land is going to be used for. S. Sareault said because of regulations they really don't have leeway not to approve it. T. Benedict then said he talked to D. Salineas, the facilities manager for Fletcher Granite, who said the perspective buyer was Northern Marble, which is there now and wants to store materials on the property.

Andrew Krawiecki, 104 Armory Road, stated that they understand that for now it's just a subdivision, but some future point in time someone down the line will come before the planning board to do something with the land like built condos or something. S. Sareault if there is a use that is govern by the town, you'll get notified. A. Krawiecki then asked for confirmation that this is just for a subdivision and not anything else, S. Sareault said yes.

Stephanie Gillis, 91 Old Brookline Road, wanted to know who are the abutters on the other side? T. Benedict said the Quarry surrounds it. The only reason that they are required to notify all the Ashley Common people is because this is coming out of the larger property. But the actual lot will not be bordering any of the Ashley Common residents, and Fletcher currently owns most of the abutting property.

S. Sareault asked L. Daley in the future who would be notified about this lot if something is done on it? L. Daley said that it would be just the direct abutters to the lot, and it wouldn't be all the Ashley Common residents since they will no longer abut the new lot.

S. Sareault asked T. Benedict if he was aware of any staff recommendations. T. Benedict said that the staff recommended an easement to the pond and Fletcher Granite is not interested in an easement to the pond. L. Daley said that should be corrected to be allowed access to the quarry road to get to the lot. There being no further discussion, J. Dannis made a motion to approve the application subject to staff conditions, N. O'Connell seconded the motion and all in favor.

**11. Eber Currier/Currier Self Storage – Rte 13 South – Map 48, Lot 14 – Public Hearing for a Minor Site Plan to construct an 1100 SF addition to an existing building.**

J. Dannis made a motion that there was no potential regional impact, T. Sloan seconded and all in favor. N. O'Connell moved to accept application, T. Sloan seconded and all in favor. B. Schelberg read the abutters list.

Bill Davidson, of Meridian Land Services and engineer for the applicant, explained that Eber Currier was before the Board two years ago with an amended site plan and has returned with another revision. This proposal calls for construction of an 1100 square feet storage building on Lot 28-14, south of and across the highway from Chappell Tractor. He explained that the proposal is minor and includes a small addition to one of the current structures with no other improvements. T. Sloan asked if this is the same proposal as two years ago, and E. Currier said it was an addition, not the same proposal. S. Sareault asked if there are any comments from the audience and there is none. T. Sloan then made a motion to approve the application subject to with staff recommendations, D. D'Amato seconded and all in favor.

**12. St. Joseph's Hospital of Nashua, NH – Nashua St. – Map 31, Lot 32-1 –**

Discussion for proposed 5,500 SF two-floor building with basement, associated parking and drainage.

S. Sareault stated that this conceptual plan was before the Board for discussion only. Bill Davidson, Meridian Land Services and engineer for St. Joseph's, presented a proposal for a 5,500 SF two-floor medical office building, located on the northeasterly side of the back parking area where there is an existing drainage detention area. The plan is to reroute drainage out to a new detention basin behind proposed parking. B. Davidson further explained that had met with the Conservation Commission about wetlands and buffer impacts, and addressed drainage rerouting, building and parking layout, and the provision of additional land along the Nashua Street frontage for widening of the road and moving the sidewalk. Additionally, the application needs to go before the Zoning Board for approval of an expansion of a non-conforming use, and prior to this they plan to meet with abutters.

S. Sareault asked for questions from the Board. N. O'Connell explained that the Facilities Committee and the Recreation Commission are pursuing the Kaley Park project, and all parties should meet to understand what is being proposed by each.

T. Sloan asked how the parking was calculated, and B. Davidson said that there are four spaces per doctor and one half space per employee in the larger shift. They are going to take a look at what renovations are needed for storage, which will be a large part of the reuse of

the existing building. S. Sareault asked about fire trucks getting back there. B. Davidson will talk with Chief Pauley. S. Sareault also said that it looked like they will need to grade to the property line. S. Sareault asked B. Parker about the set back requirements about retaining wall and B. Parker said if it is a structure six feet or higher it needs to be set back. B. Davidson said it will be about four feet. S. Sareault wanted to talk him to talk to Chief Pauley about access.

D. D'Amato asked if entrance issues were ever straightened out for Kaley Park, including the need for a left turn lane from Nashua Street. B. Davidson said it has been engineered. There will be an easement for a sidewalk, not sure how it's going to work out for costs for improvements on Nashua Street. D. Damato said that Kaley Fund is getting a little nervous. They provided fifty thousand dollars to the Town to build a Park, which is near the Medical Center, and this work has not been done. S. Sareault then asked if there were questions from the audience, and there being none discussion closed.

**13. DeMontigny/The Belmont – 46 Amherst St – Map 26, Lot 13 – Public Hearing for an amendment to an approved Site Plan to change Unit 11/12 from a two-unit building to a single unit and associated parking space changes.**

Cappy deMontigny explained that he talked to Kevin and Bill about a change in his senior housing site plan on Amherst Street change the existing house from two units to one unit, including changing adding a single car garage like the other buildings and three parking spaces. The rest of the parking lot will remain green space. S. Sareault asked if there were questions from the Board. T. Sloan said that some maps show different things. DeMontigny said there were number changes between plans, but the plans remained the same in layout.

S. Sareault any questions from the audience or members of the Board. N. O'Connell asked if there were any conditions? S. Sareault said there were none. N. O'Connell made a motion to approve, D. D'Amato seconded and all in favor.

**14. Other – John Griffin, T& R Development.** John Griffin, attorney for T&R Development asked to be heard for the record, and explained that he was given a phone call this afternoon to appear here at 8:30 PM because Jeff Kevan, the engineer for Ledgewood had a conflict and couldn't be here. He was told to show up to discuss this, and the time was given based on the length of the agenda. He expressed frustration that the matter was tabled without any due process or input from the applicant. J. Griffin said they should have been told. S. Sareault stated that this was unfortunate incident and his concern was duly noted.

The meeting was adjourned at 8:45 PM.

**MINUTES APPROVED BY THE PLANNING BOARD, AUGUST 17, 2004, UPON A MOTION BY JIM DANNIS, SECONDED BY TOM SLOAN, UNANIMOUSLY APPROVED, SUBJECT TO MINOR EDITS PROVIDED BY JIM DANNIS.**